

AMENDED IN SENATE FEBRUARY 19, 1999

AMENDED IN SENATE FEBRUARY 12, 1999

AMENDED IN SENATE FEBRUARY 9, 1999

CALIFORNIA LEGISLATURE—1999–2000 FIRST EXTRAORDINARY SESSION

SENATE BILL

No. 1

Introduced by Senator Alpert

January 19, 1999

An act to add Chapter 6.1 (commencing with Section 52050) to Part 28 of the Education Code, relating to school performance, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

SB 1, as amended, Alpert. Education accountability.

Existing law requires each school district, charter school, and county office of education to administer to each of its pupils in grades 2 to 11, inclusive, an achievement test designated by the State Board of Education as part of the Standardized Testing and Reporting program.

This bill would establish the Public School Performance Accountability Program that would consist of a state Academic Performance Index, known as the API, an Immediate Intervention/Underperforming Schools Program, and a Governor's High Achieving/Improving Schools Program.

This bill would require the Superintendent of Public Instruction, with approval of the State Board of Education, by July 1, 1999, to develop the Academic Performance Index

(API), consisting of a variety of indicators, to be used to measure performance of schools, especially the academic performance of pupils. The bill would require the Superintendent of Public Instruction to develop and the State Board of Education to adopt, based on the API, expected annual percentage growth targets for all schools based on ~~the~~ their API baseline score as measured in July 1999 and would prescribe a minimum percentage growth target of 5% annually and authorize the State Board of Education to set differential growth targets based on grade level of instruction and set higher growth targets for the lowest performing schools. Upon adoption of state performance standards by the State Board of Education, the Superintendent of Public Instruction would be required to recommend and the State Board of Education would be required to adopt, a statewide API performance target that represents the proficiency level required to meet the state academic content standards. The bill would provide that only comprehensive high schools, middle, and elementary schools with populations of 100 or more pupils may be included in the API ranking, and would require the Superintendent of Public Instruction, with the approval of the State Board of Education, to develop an alternative accountability system for schools with fewer than 100 pupils, and for county schools, community schools, and alternative schools by July 1, 2000. The bill would also require the Superintendent of Public Instruction to establish an advisory committee to advise the Superintendent of Public Instruction and the State Board of Education on matters relative to the programs established by the bill.

This bill would establish an Immediate Intervention/Underperforming Schools Program and would require the Superintendent of Public Instruction, with the approval of the State Board of Education, by August 15, 1999, to invite schools that scored below the 50th percentile on the Standardized Testing and Reporting program achievement tests both in the spring of 1998 and in the spring of 1999 to participate in the program. This program would be limited to ~~200~~ 300 schools, with no more than ~~140~~ 210 elementary schools, ~~36~~ 54 middle schools and ~~24~~ 36 high schools. This bill would impose a state-mandated local program by providing that if



fewer than the number of schools in any grade level category apply, schools that scored below the 50th percentile in those grades may be randomly selected to participate in this program. A school selected to participate on or before September 1, 1999, would be awarded a planning grant ranging from \$25,000 to \$50,000, based on criteria that would be developed by the Superintendent of Public Instruction and approved by the State Board of Education. A school selected after September 1, 1999, would receive the award if funds *are* appropriated for this purpose in the Budget Act.

This bill would require the Superintendent of Public Instruction to develop and the State Board of Education to approve minimum qualifications for external evaluations, and with the approval of the State Board of Education to establish a list of external evaluators, and would require by October 1 of the year a school is selected to participate in the program, the governing board of a school district having jurisdiction over a school selected for participation in the Immediate Intervention/Underperforming Schools Program to appoint an external evaluator and a broad-based schoolsite and community team, consisting of a majority of nonschoolsite personnel. The bill would require the selected external evaluator to complete a review of the school by December 15 of the year a school is selected to participate in the program, that identifies weaknesses that contribute to the school's below-average performance and makes recommendations for improvement. The external evaluator and a broad-based schoolsite would be required to develop an action plan with prescribed components to improve the academic achievement of the pupils enrolled at the school, including percentage growth targets at least as high as the annual growth targets adopted by the State Board of Education, submit the plan to the governing board of the school districts for its approval, and after the plan is approved, but no later than March 15 of the year that follows the year a school is selected to participate in the program, and would require the plan to be submitted to the Superintendent of Public Instruction with a request for funding in the form prescribed by the Superintendent of Public Instruction. Approval by the State Board of Education of the request for funding to



implement a school's action plan would be conclusively presumed to grant a waiver of all code sections, regulations, or programs identified by the school board as impediments to improving performance by an external evaluator and contained in the school's action plan. A school whose application is approved on or before August 1, 1999, would receive funding, in each fiscal year that it participates in the program, in an amount equal to \$150 per pupil enrolled in the school. A school that applies after August 1, 1999, may receive funding if funds are appropriated for this purpose in the Budget Act. These schools would be required to match *funds* from its existing sources of funding.

This bill would require the governing board of a school that fails to meet its annual short-term growth target at the end of the first year of participating in the program to hold a public hearing at a regularly scheduled meeting to ensure that members of the school community are aware of the lack of progress, and to impose more serious consequences, including, but not limited to, allowing pupils to attend another public school in the district and placing the school principal on probation.

This bill would provide that after 2 years of participating in the program, a school that meets or exceeds its growth target each year shall receive a monetary award, under the Governor's Performance Award program, a school that has not met its performance goals, but demonstrates significant growth, as determined by the State Board of Education, shall continue to participate in the program for an additional year and to receive funding, and a school that does not meet its performance goals after two years of participating in the program and has failed to show significant growth, as determined by the State Board of Education, would be deemed an educationally deficient school.

This bill would provide that with respect to an educationally deficient school, the Superintendent of Public Instruction would be required to assume all the legal rights, duties, and powers of the governing board, and, in consultation with the State Board of Education and the governing board of the school district, would reassign the principal of that school and would grant broad power to take other enumerated actions.



This bill would establish a High Achieving/Improving Schools Program and would require the Superintendent of Public Instruction, commencing in June 2000, and every June thereafter, with approval of the State Board of Education, to rank all public schools based on the API by grade level of instruction provided and including elementary, middle, and high school. The bill would require, commencing in June 2001, that the rankings indicate the target annual growth rates and the actual growth rates attained by the schools, would require the Superintendent of Public Instruction to annually publish these rankings on the Internet. This bill would require, commencing in July 2000, and every July thereafter, the governing board of each school district shall hold a hearing to discuss the results of the annual ranking, thereby imposing a state-mandated local program.

This bill would provide that a school that is eligible to participate in the Governor's Performance Award Program may elect to present a list of code sections, regulations, or programs subject to waiver by the State Board of Education that the school has identified as unnecessary for the continued improvement of pupil performance, and the approval by the board of a school for inclusion in this award program is conclusively presumed to grant a waiver of all code sections, regulations, or programs identified by the school. The bill would also require that a school that demonstrates significant growth be granted maximum flexibility in its expenditure of existing categorical funds to enable the school to continue improvement in pupil performance.

This bill would provide that commencing with the 2000-01 school year, a school that fails to meet the established annual state growth targets may be subject to the Immediate Intervention/Underperforming Schools Program.

This bill would require the State Board of Education to establish a Governor's Performance Award program to provide monetary awards to schools that meet or exceed API performance growth targets, and would provide that all schools, including schools participating in the Immediate Intervention/Underperforming Schools Program are eligible to participate in the Governor's Performance Award program.



This bill would appropriate \$192,300,000 to the Superintendent of Public Instruction for the purposes of its provisions, of which \$160,000,000 would be appropriated from the General Fund and \$32,300,000 would be appropriated from the Federal Trust Fund.

The funds appropriated from the General Fund by this bill would be applied toward the minimum funding requirements for school districts and community college districts imposed by Section 8 of Article XVI of the California Constitution.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: yes. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Chapter 6.1 (commencing with Section
2 52050) is added to Part 28 of the Education Code, to read:

3
4 CHAPTER 6.1. PUBLIC SCHOOLS ACCOUNTABILITY ACT OF
5 1999
6

7 Article 1. Legislative Findings and Intent
8

9 52050. This chapter shall be known and may be cited
10 as the Public Schools Accountability Act of 1999.

11 52050.5. The Legislature finds and declares all of the
12 following:

13 (a) The purpose of the California public school system
14 is to provide for the academic development of each pupil
15 and prepare each pupil, to the extent of his or her ability,



1 to become a lifelong learner, equipped to live and
2 succeed within the economic and societal complexities of
3 the 21st century.

4 (b) It is in the interest of the people and the future of
5 this state to ensure that each child in California receives
6 a high quality education consistent with all statewide
7 content and performance standards, as adopted by the
8 State Board of Education, and with a meaningful
9 assessment system and reporting program requirements.

10 (c) Recent assessments indicate that many pupils in
11 California are not now, generally, progressing at a
12 satisfactory rate to achieve a high quality education.

13 (d) To remedy this, the state is in need of an
14 immediate and comprehensive accountability system to
15 hold each of the state's public schools accountable for the
16 academic progress and achievement of its pupils.

17 (e) Any promising and effective accountability system
18 must be based upon a constructive and collaborative
19 process that seeks to include every stakeholder in the
20 accountability process.

21 (f) Any promising and effective accountability system
22 requires the active involvement of parents and guardians,
23 pupils, educators, community leaders, school boards, and
24 schoolsite teams.

25 (g) The statewide school accountability system must
26 encourage the active participation of parents and
27 guardians, pupils, educators, and the local community in
28 improving pupil achievement.

29 (h) The statewide accountability system must be
30 easily accessible and understandable to parents and
31 others.

32 (i) The statewide accountability system must include
33 rewards that recognize high achieving schools as well as
34 interventions and, ultimately, sanctions for schools that
35 are continuously low performing.

36 (j) It is also the intent of the Legislature that the
37 comprehensive and effective school accountability
38 system primarily focus on increasing academic
39 achievement.



1 (k) To achieve better student performance, it is the
2 intent of the Legislature that any school accountability
3 system do all of the following:

4 (1) Encourage teacher preparation that allows
5 teachers to develop the ability to inspire pupils to become
6 lifelong learners.

7 (2) Encourage teacher preparation and consistent
8 ongoing professional development that serves to develop
9 competency in content and pedagogy and that allows
10 teachers to effectively involve themselves in promoting
11 school accountability.

12 (3) Encourage the involvement of the community and
13 all its stakeholders in the accountability system.

14 (4) Encourage local community involvement in
15 providing support for education and identifying causes of
16 pupil failure and designing programs for remediation.

17 (5) Approach accountability with an attitude of
18 collaboration encouragement, and correction.

19 (6) ~~Developing~~ *Develop* a state infrastructure that
20 supports schools, school districts and county offices of
21 education in their efforts to improve pupil achievement
22 and progress.

23 (7) ~~Building~~ *Build* the capacity of each local
24 community to support and sustain high quality
25 educational programs and to build the capacity of
26 educators and schools to succeed in educating every
27 pupil.

28

29 Article 2. Public School Performance Accountability
30 Program

31

32 52051. The Public School Performance
33 Accountability Program is hereby established and shall
34 consist of the following three component parts:

35 (a) The state Academic Performance Index, to be
36 known as the API.

37 (b) The Immediate Intervention/Underperforming
38 Schools Program.

39 (c) The Governor’s High Achieving/Improving
40 Schools Program.

□



1 52051.5. *For purposes of this chapter, all references to*
2 *schools shall include charter schools.*

3 52052. (a) By July 1, 1999, the Superintendent of
4 Public Instruction, with approval of the State Board of
5 Education, shall develop an Academic Performance
6 Index, to be used to measure performance of schools,
7 especially the academic performance of pupils, and
8 demonstrate comparable improvement in academic
9 achievement by all numerically-significant ethnic and
10 socio-economically disadvantaged subgroups within
11 schools. The index shall consist of a variety of indicators
12 including, but not limited to, the results of the
13 achievement test administered pursuant to Section
14 60640, attendance rates for pupils and school personnel
15 for elementary, middle schools, and secondary schools,
16 and the graduation rates for pupils in secondary schools.
17 The data collected for the API shall be disaggregated by
18 special education status, English language learners,
19 socio-economic status and ethnic group. Results of the
20 achievement tests shall constitute at least 60 percent of
21 the value of the index.

22 (b) Student scores results from the assessment of the
23 applied academic skills matrix test developed pursuant to
24 Section 60604, when available, and a high school exit
25 exam, when available, shall be incorporated into the API.

26 (c) Based on the API, the Superintendent of Public
27 Instruction shall develop and the State Board of
28 Education shall adopt, expected annual percentage
29 growth targets for all schools based on the their API
30 baseline score as measured in July 1999. The minimum
31 percentage growth target shall be 5 percent annually.
32 However, the State Board of Education, may set
33 differential growth targets based on grade level of
34 instruction and may set higher growth targets for the
35 lowest performing schools, because they have the
36 greatest room for improvement.

37 (d) Upon adoption of state performance standards by
38 the State Board of Education, the Superintendent of
39 Public Instruction shall recommend and the State Board
40 of Education shall adopt, a statewide API performance



1 target that represents the proficiency level required to
2 meet the state academic content standards. When fully
3 developed, schools may either meet the state standard or
4 meet their growth targets to be eligible for the
5 Governor’s Performance Award Program as set forth in
6 Section 52057.

7 (e) Beginning in June 2000, the API shall be used for
8 both of the following:

9 (1) Measure the progress of schools selected for
10 participation in the Immediate
11 Intervention/Underperforming Schools Program
12 pursuant to Section 52053.

13 (2) Rank all public schools in the state for the purpose
14 of the High Achieving/Improving Schools Program
15 pursuant to Section 52056.

16 (f) Only comprehensive high schools, middle, and
17 elementary schools with populations of 100 or more pupils
18 may be included in the API ranking.

19 (g) By July 1, 2000, the Superintendent of Public
20 Instruction, with the approval of the State Board of
21 Education, shall develop an alternative accountability
22 system for schools with fewer than 100 pupils, and for
23 county schools, community schools, and alternative
24 schools, *including continuation high schools and*
25 *independent study schools.*

26 52052.5. The Superintendent of Public Instruction
27 shall establish a broadly representative and diverse
28 advisory committee to advise the Superintendent of
29 Public Instruction and the State Board of Education on all
30 appropriate matters relative to the creation of the
31 Academic Performance Index and the implementation of
32 the Immediate Intervention/Underperforming Schools
33 Program and the High Achieving/Improving Schools
34 Program. Members of the advisory committee shall serve
35 without compensation for terms not to exceed two years.
36 The State Department of Education shall provide staff to
37 the advisory panel.

38



1 Article 3. Immediate Intervention/Underperforming
2 Schools Program

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4 52053. (a) The Immediate
5 Intervention/Underperforming Schools Program is
6 hereby established. By August 15, 1999, the
7 Superintendent of Public Instruction, with the approval
8 of the State Board of Education, shall invite schools that
9 scored below the 50th percentile on the achievement
10 tests administered pursuant to Section 60640 both in the
11 spring of 1998 and in the spring of 1999 to participate in
12 the Immediate Intervention/Underperforming Schools
13 Program.

14 (b) The total number of schools participating in the
15 program shall be 300. Unless subdivision (d) applies,
16 schools that apply will be selected based on the order in
17 which they apply within ranks of deciles, not to exceed ~~40~~
18 60 per decile, within the following grade level categories:

- 19 (1) No more than 210 elementary schools.
- 20 (2) No more than 54 middle schools.
- 21 (3) No more than 36 high schools.

22 (c) The ~~40~~ 60 schools selected within each decile range
23 pursuant to subdivision (b) shall proportionately
24 represent elementary, middle, and high schools and shall
25 provide statewide proportionate geographic
26 representation of urban and rural schools.

27 (d) If fewer than the number of schools in any
28 grade level category apply, schools that scored below the
29 50th percentile in those grade level categories that did
30 not apply for the program shall randomly be selected by
31 the Superintendent of Public Instruction, with the
32 approval of the State Board of Education, to participate
33 based on their proportional representation in the state
34 until the number of schools in each grade level category
35 set forth in subdivision (b) is achieved.

36 (e) If more than the requisite number of schools apply
37 for any grade level category, the Superintendent of
38 Public Instruction shall select an array of schools that
39 reflect a broad range of academic performance of schools
40 that scored below the 50th percentile, until the number



1 of schools in each grade level category set forth in
2 subdivision (b) is achieved.

3 (f) A school selected to participate on or before
4 September 1, 1999, shall be awarded a planning grant
5 ranging in amount from twenty-five thousand dollars
6 (\$25,000) to fifty thousand dollars (\$50,000). A school
7 selected to participate after September 1, 1999, may
8 receive a planning grant if funds are appropriated for this
9 purpose in the Budget Act. The actual dollar amount of
10 the planning grant shall be based on criteria developed
11 by the Superintendent of Public Instruction and
12 approved by the State Board of Education.

13 (g) Schools selected for participation in the program
14 shall be notified by the Superintendent of Public
15 Instruction no later than September 1.

16 52053.5. (a) The Superintendent of Public
17 Instruction shall develop, and the State Board of
18 Education shall approve, the minimum qualifications for
19 external evaluators that shall include, but may not be
20 limited to, recent successful professional, managerial or
21 governing board experience in improving school
22 achievement, and the ability to assist the school to
23 systematically align curriculum, instruction, and
24 assessment. The external evaluators shall also have
25 demonstrated experience in working with diverse
26 populations. With the approval of the State Board of
27 Education, the Superintendent of Public Instruction shall
28 establish a list of external evaluators that meet the
29 minimum qualifications. The list of approved external
30 evaluators may include private sector experts,
31 institutions of higher education, county offices of
32 education, and educational consortia.

33 (b) The Superintendent of Public Instruction shall
34 develop, and the State Board of Education shall approve,
35 the standards and criteria to be applied by external
36 evaluators in carrying out their duties. The standards and
37 criteria shall include, but are not limited to, the following
38 areas:

39 (1) Governing board policies, responsibilities, and
40 boardmanship.



- 1 (2) Curriculum management.
- 2 (3) Fiscal management.
- 3 (4) Parental and community involvement.
- 4 (5) Personnel management.
- 5 (6) Facilities management.

6 52054. (a) By October 1 of the year that the school is
7 selected to participate, the governing board of a school
8 district having jurisdiction over a school selected for
9 participation in the program shall appoint an external
10 evaluator from the list of external evaluators and shall
11 appoint a broad-based schoolsite and community team,
12 consisting of a majority of nonschoolsite personnel.

13 (b) By December 15 of the year that the school is
14 selected to participate, the selected external evaluator
15 shall complete a review of the school that identifies
16 weaknesses that contribute to the school's below average
17 performance and makes recommendations for
18 improvement.

19 (c) By March 15 of the year that follows the year the
20 school is selected to participate, the external evaluator
21 and the schoolsite and community team selected
22 pursuant to subdivision (a) shall develop an action plan
23 to improve the academic achievement of the pupils
24 enrolled at the school. The action plan shall include
25 percentage growth targets at least as high as the annual
26 growth targets adopted by the State Board of Education
27 pursuant to Section 52052.

28 (d) At a minimum, the action plan shall do all of the
29 following:

30 (1) Review and include the school and district
31 conditions identified in the school accountability report
32 card pursuant to Section 33126.

33 (2) Identify the current barriers at the school and
34 district toward improvements in pupil achievement.

35 (3) Identify schoolwide and districtwide strategies to
36 remove these barriers.

37 (4) Examine and consider disaggregated data
38 regarding pupil achievement and other indicators to
39 ensure that all groups and types of pupils make adequate
40 progress toward short-term growth targets and long-term



1 performance goals. The disaggregated data to be
2 included and considered by the plan shall, at a minimum,
3 provide information regarding the achievement of
4 English learners, economically disadvantaged pupils, and
5 other groups of pupils.

6 (5) Set short-term academic objectives pursuant to
7 Section 52052 for a two-year period that will allow the
8 school to make adequate progress toward the growth
9 targets established for all participating schools for pupil
10 achievement as measured by all of the following:

11 (A) The achievement test administered pursuant to
12 Section 60640.

13 (B) Graduation rates for grades 7 to 12, inclusive.

14 (C) Attendance rates for pupils and school personnel
15 for elementary, middle schools, and secondary schools.

16 (D) Progress towards meeting state and local content
17 and performance standards.

18 (e) The school action plan shall focus on identifying
19 and developing solutions that take into account the
20 underlying causes for low performance by pupils.

21 (f) The team, in the development of the action plan,
22 shall consult with the exclusive representatives of
23 employee organizations, where they exist.

24 (g) Upon its completion, the action plan shall be
25 submitted to the governing board of the school districts
26 for its approval. After the plan is approved, but no later
27 than April 15 of the year that follows the year the school
28 is selected to participate, the plan shall be submitted to
29 the Superintendent of Public Instruction with a request
30 for funding in the form prescribed by the Superintendent
31 of Public Instruction.

32 (h) By May 15 of the year that follows the year the
33 school is selected to participate, the State Board of
34 Education shall review and recommend approval or
35 disapproval for all requests for funding, based on the
36 recommendations of the Superintendent of Public
37 Instruction. Approval by the State Board of Education of
38 the request for funding to implement a school's action
39 plan shall be conclusively presumed to grant a waiver,
40 pursuant to Section 44670.7, of all code sections,



1 regulations, or programs identified by the governing
2 board of the school district as impediments to improving
3 performance by an external evaluator and contained in
4 a school's action plan.

5 52054.5. A school whose application is approved on or
6 before August 1, 1999, shall receive a grant for
7 implementing the program, in each fiscal year that it
8 participates in the program, in an amount equal to one
9 hundred fifty dollars (\$150) per pupil enrolled in the
10 school. A school that applies after August 1, 1999, may
11 receive a grant for implementing the program if funds
12 are appropriated for this purpose in the Budget Act. As
13 a condition of receiving this funding, a participating
14 school or the school district having jurisdiction over that
15 school shall match the amount of state funding from its
16 existing sources of funding. To help meet this matching
17 requirement, a participating school and the governing
18 board of the school district having jurisdiction over that
19 school shall receive maximum flexibility in the
20 expenditure of their existing categorical funds and shall
21 target all necessary funds to their academic improvement
22 plan.

23 52055. The governing board of a school that fails to
24 meet its annual short-term growth target at the end of the
25 first year of participating in the program shall hold a
26 public hearing at a regularly scheduled meeting to ensure
27 that members of the school community are aware of the
28 lack of progress. The governing board of the school
29 district shall, upon consultation with the external
30 evaluator and the schoolsite and community team
31 selected pursuant to Section 52054, chose from a range of
32 ~~sanctions~~ *interventions* for the school, including
33 reassignment of school personnel, negotiation of
34 site-specific amendments to collective bargaining
35 agreements, or other changes deemed appropriate, in
36 order to continue implementing the action plan
37 approved pursuant to Section 51054, and to make
38 progress toward meeting the school's growth targets.

39 52055.5. (a) After two years of participating in the
40 program, a school that meets or exceeds its growth target



1 each year shall receive a monetary or nonmonetary
2 award, under the Governor’s Performance Award
3 Program, as set forth in Section 52057. Funds received
4 from this program shall be used at the school’s discretion.

5 (b) After two years of participating in the program, a
6 school that has not met its performance goals, but
7 demonstrates significant growth, as determined by the
8 State Board of Education, shall continue to participate in
9 the program for an additional year and to receive funding
10 in the amount specified in Section 52054.5.

11 (c) A school that does not meet its performance goals
12 after two years of participating in the program and has
13 failed to show significant growth, as determined by the
14 State Board of Education, shall be deemed an
15 educationally deficient school. Notwithstanding any
16 other provision of law, the Superintendent of Public
17 Instruction shall assume all the legal rights, duties, and
18 powers of the governing board with respect to that
19 school. The Superintendent of Public Instruction, in
20 consultation with the State Board of Education and the
21 governing board of the school district, shall reassign the
22 principal of that school. In addition to reassigning the
23 principal, the Superintendent of Public Instruction, in
24 consultation with the State Board of Education, shall,
25 notwithstanding any other provision of law, do at least
26 one of the following:

27 (1) Revise attendance options for pupils to allow them
28 to attend any public school.

29 (2) Allow parents to apply directly to the State Board
30 of Education for the establishment of a charter school and
31 allow parents to establish the charter school at the
32 existing schoolsite.

33 (3) Under the supervision of the Superintendent of
34 Public Instruction, assign the management of the school
35 to a college, university, county office of education, or
36 other appropriate educational institution. However, the
37 Superintendent of Public Instruction may not assume the
38 management of the school.

39 (4) Reassign other certificated employees of the
40 school.



1 (5) Renegotiate a new collective bargaining
2 agreement at the expiration of the existing collective
3 bargaining agreement.

4 (6) Reorganize the school.

5 (7) Close the school.

6 (8) Take any other action considered necessary or
7 desirable against the school district or the school district
8 governing board, including appointment of a new
9 superintendent, *or* suspension of the authority of the
10 ~~governing board, or removal of the members of the~~
11 ~~governing board.~~

12 *(d) Before the Superintendent of Public Instruction*
13 *may take any action against a principal pursuant to*
14 *subdivision (c), the Superintendent of Public Instruction*
15 *or a designee of the superintendent shall hold a public*
16 *hearing on the matter in the school district and make both*
17 *of the following findings:*

18 *(1) A finding that the principal had the authority to*
19 *take specific enumerated actions that would have helped*
20 *the school meet its performance goals.*

21 *(2) A finding that the principal failed to take specific*
22 *enumerated actions pursuant to paragraph (1).*

23

24 Article 4. High Achieving/Improving Schools
25 Program
26

27 52056. (a) The High Achieving/Improving Schools
28 Program is hereby established. Commencing in June
29 2000, and every June thereafter, the Superintendent of
30 Public Instruction, with approval of the State Board of
31 Education, shall rank all public schools based on the
32 Academic Performance Index established pursuant to
33 Section 52052. The schools shall be ranked by grade level
34 of instruction provided and shall include three categories:
35 elementary, middle, and high school. Commencing in
36 June 2001, the rankings shall indicate the target annual
37 growth rates and the actual growth rates attained by the
38 schools. The Superintendent of Public Instruction shall
39 annually publish these rankings on the Internet.



1 (b) Commencing in July 2000, and every July
2 thereafter, all schools shall report their ranking, including
3 a description of the components of the ranking, in their
4 annual school accountability report card pursuant to
5 Sections 33126 and 35256.

6 (c) Commencing in July 2000, and every July
7 thereafter, the governing board of each school district
8 shall hold a hearing to discuss the results of the annual
9 ranking.

10 52056.5. Commencing with the 2000–01 fiscal year, a
11 school that fails to meet annual state growth targets
12 established pursuant to Section 52052 may, as determined
13 by the Superintendent of Public Instruction with the
14 approval of the State Board of Education, be subject to
15 the Immediate Intervention/Underperforming Schools
16 Program pursuant to subdivisions (e) and (f) of Section
17 52053, and Sections 52053.5, 52054, 52054.5, 52055, and
18 52055.5.

19 52057. (a) The State Board of Education shall
20 establish a Governor’s Performance Award Program to
21 provide monetary and nonmonetary awards to schools
22 that meet or exceed API performance growth targets
23 established pursuant to Section 52052, and demonstrate
24 comparable improvement in academic achievement by
25 all numerically-significant ethnic and socio-economically
26 disadvantaged subgroups within schools.

27 (b) All schools, including schools participating in the
28 Immediate Intervention/Underperforming Schools
29 Program are eligible to participate in the Governor’s
30 Performance Award Program. The manner and form in
31 which the monetary and nonmonetary awards are given
32 shall be established by the Superintendent of Public
33 Instruction and approved by the State Board of
34 Education. The monetary awards shall be made available
35 on either a per pupil or per school basis, not to exceed one
36 hundred fifty dollars (\$150) per pupil enrolled and
37 subject to funds appropriated in the annual Budget Act.
38 A school that continues to show improvement in
39 successive years is eligible to receive annual bonuses.



1 (c) In addition to or in substitution of monetary
2 awards, the Superintendent of Public Instruction may
3 establish, upon approval by the State Board of Education,
4 nonmonetary awards that may include, but are not
5 limited to, classification as a distinguished school, listing
6 on a published public school honor roll, and public
7 commendations by the Governor and the Legislature.

8 (d) A school that is eligible to participate in the
9 Governor's Performance Award Program may elect to
10 present a list of code sections, regulations, or programs
11 subject to waiver pursuant to Section 44670.7 that the
12 school has identified as unnecessary for the continued
13 improvement of pupil performance at the school.
14 Approval by the State Board of Education of a school for
15 inclusion in the Governor's Performance Award Program
16 shall be conclusively presumed to grant a waiver of all
17 code sections, regulations, or programs identified by the
18 school as unnecessary for the continued improvement of
19 pupil performance.

20 (e) A school that demonstrates significant growth shall
21 be granted maximum flexibility in its expenditure of
22 existing categorical funds to enable the school to continue
23 improvement in pupil performance.

24 52058. (a) By January 31, 2002, each school district
25 with schools participating in the Immediate
26 Intervention/Underperforming Schools Program
27 established pursuant to Section 52053 shall submit to the
28 Superintendent of Public Instruction an evaluation of the
29 impact, costs, and benefits of the program as it relates to
30 the school district and the schools under its jurisdiction
31 that are participating in the program and whether or not
32 the schools met their growth targets, with an analysis of
33 the reasons why the schools have or have not met those
34 growth targets.

35 (b) By January 15, 2000, the Superintendent of Public
36 Instruction shall develop, and the State Board of
37 Education shall approve, the guidelines for a request for
38 proposal for an independent evaluator as described in this
39 subdivision. By March 15, 2000, the Superintendent of
40 Public Instruction shall contract with an independent



1 evaluator to prepare a comprehensive evaluation of the
2 implementation, impact, costs, and benefits of the
3 Immediate Intervention/Underperforming Schools
4 Program and the High Achieving/Improving Schools
5 Program. The preliminary results of the evaluation shall
6 be disseminated to the Legislature, the Governor, and
7 interested parties no later than March 31, 2002, with a
8 final report no later than June 30, 2002. The final report
9 shall include recommendations for necessary or desirable
10 modifications to the programs established pursuant to this
11 chapter.

12 (c) The evaluations shall consider both of the
13 following:

14 (1) Pupil performance data, including, but not limited
15 to, results of assessments used to determine whether or
16 not schools have made significant progress towards
17 meeting their growth targets.

18 (2) Program implementation data, including, but not
19 limited to, a review of startup activities, community
20 support, parental participation, and staff development
21 activities associated with implementation of the program.

22 (d) The Superintendent of Public Instruction shall
23 recommend and the State Board of Education shall
24 approve a schedule for biennial evaluations of the
25 programs established pursuant to this chapter,
26 subsequent to the evaluation required by this section. The
27 biennial evaluations shall be submitted, with appropriate
28 recommendations, by June 30 of every even-numbered
29 year, commencing with the year 2004.

30 SEC. 2. (a) The sum of one hundred ninety-two
31 million three hundred thousand dollars (\$192,300,000) is
32 hereby appropriated according to the following schedule:

33 (1) Thirty-five million dollars (\$35,000,000) from the
34 General Fund to the Superintendent of Public
35 Instruction for allocation to school districts for purposes
36 of providing funding for planning and grants for
37 implementing the Immediate
38 Intervention/Underperforming Schools Program as set
39 forth in Article 3 (commencing with Section 52053) of
40 Chapter 6.1 of Part 28 of the Education Code.



1 (2) Thirty-two million three hundred thousand dollars
2 (\$32,300,000) from the Federal Trust Fund to the
3 Superintendent of Public Instruction for allocation to
4 school districts for purposes of providing funding for
5 planning and grants for implementing the Immediate
6 Intervention/Underperforming Schools Program as set
7 forth in Article 3 (commencing with Section 52053) of
8 Chapter 6.1 of Part 28 of the Education Code.

9 (3) One hundred twenty-five million dollars
10 (\$125,000,000) from the General Fund to the
11 Superintendent of Public Instruction for allocation to
12 school districts that meet or exceed performance growth
13 targets established by the board pursuant to the High
14 Achieving/Improving Schools Program as set forth in
15 Article 4 (commencing with Section 52056) of Chapter
16 6.1 of Part 28 of the Education Code.

17 (b) For the purposes of making the computations
18 required by Section 8 of Article XVI of the California
19 Constitution, the appropriation made by paragraphs (1)
20 and (3) shall be deemed to be “General Fund revenues
21 appropriated for school districts,” as defined in
22 subdivision (c) of Section 41202 of the Education Code,
23 for the 1999–2000 fiscal year, and included within the
24 “total allocations to school districts and community
25 college districts from General Fund proceeds of taxes
26 appropriated pursuant to Article XIII B,” as defined in
27 subdivision (e) of Section 41202 of the Education Code,
28 for the 1999–2000 fiscal year.

29 SEC. 3. Notwithstanding Section 17610 of the
30 Government Code, if the Commission on State Mandates
31 determines that this act contains costs mandated by the
32 state, reimbursement to local agencies and school
33 districts for those costs shall be made pursuant to Part 7
34 (commencing with Section 17500) of Division 4 of Title
35 2 of the Government Code. If the statewide cost of the
36 claim for reimbursement does not exceed one million
37 dollars (\$1,000,000), reimbursement shall be made from
38 the State Mandates Claims Fund.

39 Notwithstanding Section 17580 of the Government
40 Code, unless otherwise specified, the provisions of this act



1 shall become operative on the same date that the act
2 takes effect pursuant to the California Constitution.

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